

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

RHONDA ENGBERG, et al.,

: Case No. 3:06-cv-320

Plaintiffs,

-vs-

: Chief Magistrate Judge Michael R. Merz

DICK'S SPORTING GOODS,  
INC., et al.

Defendants.

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**CONDITIONAL DISMISSAL ORDER**

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The above matter having been settled by mediation this 23rd day of January, 2008, IT IS ORDERED that this action (including all claims by all parties) is hereby DISMISSED WITH PREJUDICE, provided that any of the parties may, upon good cause shown not later than February 22, 2008, reopen the action if settlement is not consummated. The parties may substitute a judgment entry contemplated by the settlement agreement upon approval of the Court. Parties intending to preserve this Court's jurisdiction to enforce the settlement should be aware of *Kokkonen v. Guardian Life Ins. Co. of America*, 511 U.S. 375, 114 S. Ct. 1673, 128 L. Ed. 2d 391 (1994), and incorporate appropriate language in any substituted judgment entry.

This Court explicitly retains jurisdiction to enforce the settlement agreement reached by the parties, on motion or *sua sponte*.

Each party shall bear its own costs.

January 23, 2008.

s/ **Michael R. Merz**  
Chief United States Magistrate Judge